

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BORIS POGIL,

Plaintiff,

-against-

KPMG, LLP,

Defendant.

21-CV-7628 (LTS) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during the October 24, 2022 status conference, it is hereby ORDERED as follows:

1. Native Format Email. No later than **October 28, 2022**, defendant KPMG shall produce another copy of the September 23, 2020 email previously produced in pdf format as Bates number 3577, including any associated attachments, in native format. Plaintiff Pogil and his counsel shall not forward or further disclose the native format email (except to the Court), shall not alter, amend, or modify it (including its metadata), and shall make no use of it other than to pursue plaintiff's pending litigation claims.
2. Expert Discovery. Plaintiff has informed the Court that he anticipates submitting one expert report. Defendants have informed the Court that they do not anticipate submitting expert evidence except, potentially, to rebut plaintiff's expert evidence. Plaintiff shall disclose his expert evidence, including the identity and written report of his expert, as required by Fed. R. Civ. P. 26(a)(2)(A), (B), or (C), no later than **December 2, 2022**. KPMG shall conduct any expert deposition promptly thereafter and shall file any motion to exclude plaintiff's expert evidence no later than **January 6, 2023**. If such a motion is made and denied, the

Court will entertain an application from KPMG to submit rebuttal expert evidence. If no such motion is made, KPMG shall disclose any rebuttal expert evidence, including the identify and written report of its rebuttal expert, no later than **January 6, 2023**.

Dated: New York, New York
October 24, 2022

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Barbara Moses', is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge